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ABSTRACT

This study examined how diversity influenced law students' educational experiences. Predominantly White students at Harvard Law School and the University of Michigan Law School, as well as at five other law schools, completed surveys that examined such topics as: frequency of contact with diverse people growing up and in high school, college, and law school; close friends of other racial/ethnic backgrounds; studying with people of different races/ethnicities; the impact of diversity on ability to work more effectively, get along better, and discuss topics with people of other races; the positive or negative impact of diversity; conflicts because of racial diversity; changes in attitudes and values due to exposure to diversity; and necessary changes in law school admissions policies. Students reported a wide range of experiences and views on racial and civil rights issues, though most reported powerful educational experiences from their interaction with students of other races. White students had particularly enriching experiences. One of the strongest impacts of diversity was change in students' values concerning civil rights. Some students believed the experience could be improved, particularly with more significant efforts to deal with social segregation issues. The most negative responses overall were from foreign students. (Contains 22 tables and 24 endnotes.) (SM)

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CHAPTER 6

Diversity and Legal Education: Student Experiences in Leading Law Schools

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Introduction

For more than two decades, the legal foundation for the policies that have permitted the integration of highly selective universities and professional schools has rested on the U.S. Supreme Court's 1978 *Bakke* decision. Justice Lewis Powell's controlling opinion upheld race-conscious admissions policies on the grounds that they support the important goal of producing a diverse student body representing many kinds of experience and points of view, which enriches the discussions and learning experiences on campus.[1] While the value and importance of this goal seemed obvious to many within the university community, the academic world had done little to demonstrate how diversity works on campus and what difference it makes. Recently, there have been sharp challenges from opponents of civil rights, and in 1996 a federal appeals court outlawed affirmative action in Texas in a decision that claimed that student diversity had no educational benefits. There are now a number of lawsuits and referendum campaigns around the country in which the impact of diversity is an important legal or political issue. Direct evidence on the impact of diversity on education is now essential.

This study explores the impact of diversity by asking students how it has influenced their educational experiences. Most discussions about the effects of diversity are simply assertions; people with differing ideologies come up with highly divergent arguments. If a central question is

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whether or not racial diversity broadens the intellectual life of the university and enriches the educational experience in the student community, there are only two reliable sources—the students and the faculty. This study reports on the experiences of students captured in a high response-rate survey administered by the Gallup Poll at two of the nation's most competitive law schools, Harvard Law School and the University of Michigan Law School, as well as through data collected through an email/Internet survey at five other law schools. The data indicate that the Supreme Court was correct in its conclusions about the impact of diversity in *Bakke* and earlier higher education decisions. It spells out how and in what settings students experience different educational outcomes. The study also explores the differences among students—the experiences of those who believe diversity has a negative influence, as well as the large majority who see important gains.

Trends in Access

There have been vast changes in the level of access to college for minority students since the 1960s, with very encouraging trends over much of that period. Between 1972 and 1996, the percentage of blacks enrolling in college the fall after completing high school rose from 44.6 percent to 56.0 percent, and the percentage of Hispanics enrolling rose from 45.0 percent to 50.8 percent. The percentage of white enrollment rose from 49.7 percent to 67.4 percent. The racial gap between the percentage of black and white high school graduates going on to college was smallest in the mid-1970s. The gap began to widen after *Bakke*, and a variety of policy changes and scholarship cutbacks made college less accessible in the 1980s.

In 1971, among young adults age twenty-five to twenty-nine, 11.5 percent of blacks and 10.5 percent of Latinos had college degrees, compared to 22.0 percent of whites. By 1998, the black rate was up to 17.9 percent and the Latino number was 16.5 percent, but the white rate was 34.5 percent. The gap had been 10.5 percent between blacks and whites in 1971, but grew to 16.6 percent twenty-seven years later. The black enrollment rate actually declined during the 1980s, but then began to grow again.[2] Even before the rollback of college civil rights policies, higher education was far from the ultimate goal of equal access. Professional education also experienced substantial changes. Law school enrollment grew from 1 percent black in 1960 to 7.5 percent in 1995.[3]

Highly selective colleges and professional schools tended to have very small numbers of minority students until the late 1960s and early 1970s. Their normal recruitment and selection systems did not produce significant

minority enrollments, and many went through the peak of the civil rights era with few minority students.[4] During the late 1960s, many universities decided to undertake systematic efforts to increase their minority enrollments, often spurred by the social upheaval of urban riots, student protests, federal policy, and the assassination of Martin Luther King Jr. In the Ivy League, the percentage of black students grew between 1967 and 1976 from 1.7 percent to 4.5 percent.[5] There were similar or larger changes in a number of highly selective public universities. These significant changes, at a time when access to leading universities was becoming much more competitive and the country more conservative, led to opposition.

The Legal Issues

Affirmative action in selective universities and professional schools is generally voluntary rather than required by a court order or administrative directive. Courts unquestionably have power to impose race-conscious remedies in cases where a university or school has been found guilty of intentional segregation, but lawsuits and findings of this kind are rare for selective universities outside the South. Aside from southern institutions, where there may be a history of overt discrimination that has never been corrected,[6] there has long been uncertainty and dispute over the degree to which race can or should be taken into account.

The federal courts have raised challenging standards for maintaining racially targeted civil rights remedies. In the past decade, there have been serious battles over such remedies in affirmative action employment, in minority contracting, in voting rights, and in school desegregation. There has been a particularly bitter battle during the past several years over the continuation or abandonment of policies and practices aimed at maintaining integration in the nation's selective colleges and universities. This is a continuation of the intense fight in the 1970s, which led a deeply divided Supreme Court to permit continuation of affirmative action in colleges and universities by a single vote in the 1978 *Bakke* decision.

The Court was so fragmented in *Bakke* between supporters and opponents of race-conscious policies that the case was decided by Justice Lewis Powell, a conservative Virginian appointed by President Richard Nixon. Six of the nine justices wrote opinions in the case, reflecting the divided perspectives. Powell's decisive opinion recognized only one justification for continuing the policy—the pursuit of diversity. Today, only one of the justices who wrote opinions in the *Bakke* case remain on the Court—Justice John Paul Stevens—and the only other continuing member from that time is Chief Justice William Rehnquist, who voted against the University of Cal-

ifornia policy. Since 1989, there have been a string of Supreme Court decisions narrowing—though not forbidding—policies based on race-conscious remedies in other arenas. However, the Supreme Court has not undertaken to review any of the major higher education cases. In the lower courts there have been only two sweeping decisions concluding that *Bakke* is no longer valid, another strongly attacking the validity of the diversity justification, and several other recent decisions concluding that *Bakke* is still the law of the land. Federal courts have outlawed diversity-based, race-conscious admissions: in the 1996 *Hopwood* decision rejecting the University of Texas Law School's policies and forbidding any consideration of race in admissions, and the August 2000 Georgia case prohibiting the affirmative admissions policies of the University of Georgia.[7] Referenda have ended it in two others. The California referendum forbidding affirmative action at public universities has been accepted as valid by a federal court. In Florida the state government ended affirmative action in 2000.

The basic legal requirements for defending race-conscious policies in this period of legal development are that the policy responds to a "compelling interest" of the institution that cannot be achieved by another method and that it is "narrowly tailored" to achieve that interest. In this setting, lawyers and university officials have looked to Justice Powell's opinion upholding *Bakke* as providing the best road map to what the courts might uphold as a compelling interest. In his decision, Powell concluded that "the attainment of a diverse student body . . . clearly is a constitutionally permissible goal for an institution of higher education. Academic freedom, though not a specifically enumerated constitutional right, long has been viewed as a special concern of the First Amendment. The freedom of a university to make its own judgments as to education includes the selection of its student body." Powell quoted the Court's 1957 decision in *Sweezy v. New Hampshire:* "It is the business of a university to provide that atmosphere which is most conducive to speculation, experiment and creation. It is an atmosphere in which there prevail 'the four essential freedoms' of a university—to determine for itself on academic grounds who may teach, what may be taught, how it shall be taught, and who may be admitted to study." Powell continued: "The atmosphere . . . so essential to the quality of higher education is widely believed to be promoted by a diverse student body as the Court . . . noted in *Keyishian,* it is not too much to say that the 'nation's future depends upon leaders trained through wide exposure' to the ideas and mores of students as diverse as this Nation of many peoples."

Justice Powell also pointed to another important precedent—the higher education decisions that had set the stage for *Brown v. Board of Edu-*

cation. The NAACP first won Supreme Court decisions against state-mandated educational segregation at the graduate level, where the Court recognized that associations, contacts, and exchanges with other students were a vital part of the preparation for a profession and could not possibly be equal within segregated institutions. In *Sweatt v. Painter,* the Court made a similar point referring specifically to legal education. The Court's 1950 opinion, by Chief Justice Fred M. Vinson, noted that the University of Texas Law School

> possesses to a far greater degree those qualities which are incapable of objective measurement but which make for greatness in a law school. Such qualities, to name but a few, include reputation of the faculty, experience of the administration, position and influence of the alumni, standing in the community, traditions and prestige.
>
> Moreover, although the law is a highly learned profession, we are well aware that it is an intensely practical one. The law school, the proving ground for legal learning and practice, cannot be effective in isolation from the individuals and institutions with which the law interacts. Few students and no one who has practiced law would choose to study in an academic vacuum, removed from the interplay of ideas and the exchange of views with which the law is concerned.[8]

This decision, made prior to the time of the more liberal Warren Court, seemed to reflect the justices' recognition of what had been significant in their own legal education. Law is an area in which effective analysis and advocacy obviously require as deep an understanding as possible of various points of view on key legal issues and of the social and economic realities in which they arise. In addition, as is true in all professions, personal contacts and relationships, often established during the training period, become vital and invaluable resources in succeeding in the profession and having relationships with other colleagues. When southern states proposed to offer "separate but equal" programs for black law students, thereby denying them these contacts, the Court recognized that they could not possibly offer equivalent opportunities.

Powell's *Bakke* opinion relied heavily on Harvard College's admissions procedures, including an appendix with Harvard's description of the program:

> In recent years Harvard College has expanded the concept of diversity to include students from disadvantaged economic, racial and ethnic groups. When the Committee on Admissions reviews the large middle group of applicants who are deemed capable of doing good work in their courses, the race of an applicant may tip the balance in his favor

> just as geographic origin or a life spent on a farm may tip the balance in other candidates' cases. A farm boy from Idaho can bring something to Harvard College that a Bostonian cannot offer. Similarly, a black student can usually bring something that a white person cannot offer.

Harvard's report reasoned: "Faced with the dilemma of choosing among a large number of 'qualified' candidates, the Committee on Admissions could use the single criterion of scholarly excellence. . . . But for the past 30 years the Committee on Admissions has never adopted this approach. The belief has been that . . . Harvard College would lose a great deal of its vitality and intellectual excellence and that the quality of the educational experience offered to all students would suffer."[9] Dean of Admissions Fred Glimp stated further that "the effectiveness of our students' educational experience has seemed to the Committee to be affected as importantly by a wide variety of interests, talents, backgrounds and career goals as it is by a fine faculty and our libraries, laboratories and housing arrangements."[10] Harvard officials had consistently believed that diversity was a fundamental requirement in constructing the best possible educational experience. They were convinced that they knew much more about choosing the best class for a great university than could be discerned from numbers on tests or school transcripts.

Both the *Sweatt* decision in 1950 and the *Bakke* decision almost thirty years later relied on the proposition that a fundamental requirement of both undergraduate education and professional education is that students confront different ideas on campus and learn how to relate to other students who reflect the diversity of society. The best way that universities can make this happen is to consciously select students likely to contribute to diversity.

Rejecting the arguments in support of diversity, the most dramatic negative decision, the 1996 Texas *Hopwood* case, simply denies that diversity has any impact on universities. In this case, the Fifth Circuit Court of Appeals held that race was not associated with any relevant educational diversity. "The use of race, in and of itself, to choose students," the court ruled, "simply achieves a student body that looks different. Such a criterion is no more rational on its own terms than would be choices based upon the physical size or blood type of applicants."[11] In this extraordinary statement the court appeared to embrace the proposition that race and ethnicity are not linked to either different experiences or perspectives that would be relevant to the educational experience. If that were true, of course, any effort to assert a compelling interest in fostering diversity

would become an exercise in futility. Colleges would lose the only justification for affirmative action left standing after the *Bakke* decision, and any positive race-conscious efforts would become illegal.

In the July 1999 decision in *Tracy v. Board of Regents of the UGA*, Judge B. Avant Edenfield, of the District Court of the Southern District of Georgia, dismissed a case of a student challenging the university's admissions policies, but then went on to attack the diversity justification for affirmative action. He was skeptical about those who "contend that one's racial or ethnic identity takes precedence over any actual contribution to an atmosphere of speculation, experiment and creation." Advocates of diversity "fail to meaningfully show how it actually fosters educational benefits. At best one can cite to speculative cause and effect 'evidence' that X number of blacks, Hispanics, (etc.) in a given freshman class will somehow translate into a 'better' academic environment."

"Defendants," he wrote, "insist that the preference leads to an increase in ethnic diversity, which, in turn, leads to a more diverse collection of thoughts, ideas and opinions on campus. . . . Hence, an increase in the number of non-Caucasian students will make it possible for all students at UGA to derive the educational benefit that comes from direct exposure to peers from different backgrounds, whose experiences and points of view are different from their own or less different than assumed." The judge concluded that there was no reliable evidence for this argument, implicitly rejecting Justice Powell's conclusion in *Bakke*. This decision, and the conclusion that nothing is actually known about the impact of what Judge Edenfield dismisses as "cosmetic diversity," clearly show the need for evidence regarding the actual impact of racial diversity on students' experiences.

Much of the future of affirmative action depends, in other words, on whether or not diversity really does make a difference to educational experiences. Many of the major defenses by higher education leaders assert that it makes a substantial difference, but they reason primarily from tradition or from philosophic premises without supporting evidence.

Obviously, in a situation in which there are fundamentally differing interpretations of social reality, it is important to establish as many of the relevant facts through research as the subject matter will permit. The best evidence on the impact of diversity will be the actual experiences of students and faculty members comparing diverse classrooms and student bodies to segregated ones. If students and faculty report clear differences in educational experiences, the reasoning of Justice Powell in the *Bakke* case will be strongly supported.

Previous Research

Since minority students began enrolling in substantial numbers at elite universities, there has been considerable research on race relations on campus. Most researchers, however, have not concentrated their attention on the *Bakke* proposition, which many scholars believed to be self-evident, but on the ways in which outcomes could be improved for minority students. The desegregation of colleges, like the desegregation of public schools, raised complex issues of change, of dealing with stereotypes and discrimination, of helping students who were isolated on campus and had to make difficult transitions, and of trying to build successful interracial communities on campuses with very few minority professors and administrators. Changing historically white institutions to successful interracial institutions is a difficult process, and universities often change slowly.[12] This research, while undoubtedly useful for university leaders trying to cope with these challenges, does not address the basic *Bakke* premise. (The fact that there is a great deal of work yet to be done on campus race relations may, on the other hand, help account for the opinion of many law school students that their campuses have not yet done enough.) Extremely little attention was given to documenting the benefits for white and Asian American students, and critics often suggest that blacks, Latinos, and Native Americans gain from affirmative action while white and Asian American students simply lose.

More recently there have been efforts to obtain indirect information about the impact of diversity, often using survey data and other information collected for other purposes to seek out evidence of possible impacts. For example, the large annual surveys of college freshmen and the faculty surveys conducted by UCLA in collaboration with the American Council on Education have data that make it possible to determine whether or not different teaching styles are used by professors working at diverse or homogeneous campuses. Researchers can compare how students feel about their campuses at universities with different racial compositions. A number of researchers have surveyed campus climates and evaluated various programs intended to improve race relations or minority success on campus. There have been a number of efforts to analyze the variety of available data and to summarize what the various studies might possibly show about impacts.[13] Some important work has been done, but it is difficult to reach conclusions on the central questions of the impact of diversity without studying them directly.

Important work has also been done recently on the value of diversity in universities on the lifelong contributions of students. William Bowen and Derek Bok's massive longitudinal study focusing on the long-term

success and contributions of black students admitted to highly selective universities, *The Shape of the River: Long-Term Consequences of Considering Race in College and University Admissions*,[14] is the leading example of this kind of work. The *New England Journal of Medicine* has published data showing the influence of minority doctors on providing professional services for minority communities and there has been similar research for law schools.[15] The Bowen and Bok study also shows that there was a great deal of college racial interaction among graduates of twenty-eight selective colleges and that the students believed that campus diversity helped prepare them for living and working with people of different backgrounds. Almost 80 percent of the white students surveyed believed that their college's race-conscious admissions should be continued or even strengthened. The study, however, did not include professional school students and did not explore the impact of diversity on the specific aspects of the education of students.

Studies are under way, and some have been published, on the impact of diversity on the specific educational experiences of faculties. There has also been a national survey of public beliefs about the importance and impact of diversity on higher education. A 1998 national Yankelovich survey found that 94 percent of Americans agreed that "growing diversity makes it more important than ever for all of us to understand people who are different from ourselves," and 75 percent believed that diverse student bodies had positive effects on the education of students (18 percent disagreed).[16]

All of this research had important things to say about diverse campuses. There is still, however, a serious need for explicit information on how interracial campuses produce new patterns of discussion and learning. How this works in specific settings, schools, and courses could greatly help to test the validity of the basic propositions in the *Bakke* decision.

The Need for Student Survey Research

A crucial way to obtain evidence on the way in which diversity changes educational experience is to ask students and faculty members who have had experience in diverse institutions and often had other experiences in nondiverse institutions. The advantages of good surveys are that they seek out a broad range of respondents representing the entire population, use questions that permit a full spectrum of positive and negative answers, and guarantee anonymity. The data is collected by third parties and is collected in a way that permits statistical analysis of the results. There is no other feasible way to get a reliable estimate of changes in beliefs and personal experiences.

Surveys on highly controversial issues may, of course, provide opportunities for people to express their political or ideological views. We realize that constitutional decisions should not depend on polls of political preferences and, for that reason, we have tried to ask questions that call for reporting personal experiences, not whether or not the students approve or disapprove of various laws or court decisions. Students felt free to express a wide variety of views and many offered personal comments and explanations that went beyond the specific questions. Because of our concern that activist students might be much more likely to respond to the survey than other students, we invested heavily in obtaining an exceptionally high response rate for our study of two law schools to make certain that we had the best possible representation of the full range of student views. The findings may not be perfect, but they are far better than any other data available on this subject. Unless we could randomly assign students to segregated and integrated law schools and follow their experiences for years, data of this sort is the best that is likely to be obtainable.

Exploratory Surveys

In response to this vacuum of evidence we began exploratory research on student attitudes in law schools, recognizing that law schools are a particular target in the battle on affirmative action because of the intensely competitive nature of their admissions processes. A short questionnaire was drafted and submitted by email to students at Yale and Harvard law schools in the spring of 1998. The responses were extremely interesting and the approach was tried in more schools the next fall. However, this method was not successful in reaching enough students to produce a reliable response rate. This exploratory research was done through email and Internet at seven law schools—Harvard, Michigan, Virginia, Chicago, Yale, Minnesota, and Iowa[17]—with a response rate varying from 10 percent at Chicago to 23 percent at Yale. A total of 1,937 students responded by Internet, 67 percent whites, 10 percent Asian Americans, 6.5 percent blacks, 4.5 percent Latinos, and 7.4 percent foreign students. The results showed that only 2 percent of students reported no interracial contacts in law school. A majority of all students, and a majority within each racial group, said they had frequent or very frequent interracial contacts. More than half of the whites, Asian Americans, and Hispanics, for example, reported they had at least two close black friends in their school. Seventy-six percent of blacks and 85 percent of Latinos reported at least three close white friends. Obviously there was substantial contact for these students, a dramatic contrast to their experiences prior to law school. Only 12 per-

cent of the white students reported, for example, that they had often had contact with students of other races and ethnicities while growing up. Sixty-four percent of the black students in these selective law schools, in contrast, reported having such frequent contacts. Whites also tended to be far more isolated in high school than law school minority students. Only with college did they experience greater diversity, and law school brought them even more intensive interracial contact and friendships. The data indicate that it is rare for minority students to obtain access to elite law schools without substantial integration experiences in their earlier life, but is quite common for whites. This suggests that whites may receive some of the largest greatest benefits from the policies that desegregate elite colleges and professional schools.

The students responding to the email/Internet survey reported large impacts on their ability to work with and get along with people of other racial and ethnic groups. Fifty-seven percent of black students, 60 percent of Latinos, 46 percent of Asian Americans, and 36 percent of whites reported large impacts on this score. Only 5 percent of students saw little or no benefit in this respect. Less than 2 percent of students believed that diversity lessened the quality of informal discussion at their school, while 70 percent selected the top two categories of positive impact. There were similar results about the quality of classroom discussion.

The email/Internet survey population was primarily white male. In other words, the law school population surveyed was heavily overrepresented by white males, the group most likely to oppose affirmative admissions policies in national surveys. These results were fascinating. Almost two thousand students on these seven campuses indicated by large majorities that they believed that there were important intellectual and personal benefits from diverse student bodies, just as Justice Powell had suggested in *Bakke*.

The Yale results were especially interesting, since the school produced the highest response rate and is widely regarded as the nation's most selective law school. Thirty percent of its students responding to the survey had little or no interracial contact while growing up and 22 percent had little or none in high school. While at Yale Law School, only 3 percent said they had little or no contact across racial lines and 55 percent reported a great deal. Forty-three percent reported studying together very often or fairly often and 59 percent checked the two highest categories of impact on their ability to work with others from different backgrounds more effectively in the future. Seventy-four percent said that diversity improved the range of informal discussion at Yale, and 72 percent checked the two highest categories about enrichment of classroom discussion.

Fifty-seven percent said that exchanges with students of other racial and ethnic backgrounds had led them to change their values. In this relatively small school that produces presidents, Supreme Court justices, and other leaders of the bar and politics, a very talented and sophisticated group of students reported major effects of diversity on their understanding and views of important social and legal issues.

We were well aware, however, of the problems with the Internet survey. There was no way for us to reach any scientifically valid conclusion that the views of these students were representative of the overall law school population. Our response rate was far too low to permit statistically valid inferences. The answers might reflect the overall student population, or it could be that only the students most sympathetic to affirmative action were answering our questionnaire.

Interestingly, there were virtually no differences in responses between these small surveys and our later high-response-rate surveys. The responses patterns, whether collected through Internet responses or through the later Gallup interviews, were virtually identical, lending credibility to the entire effort.

The Gallup Poll Surveys

To clear up the uncertainty inherent in low-response surveys, we decided to focus on a limited number of law schools and hire a professional survey research firm of the highest quality to obtain the kind of response rate necessary to determine validly the views of the total student body of some law schools. We contracted with the Gallup Poll to obtain a high response rate to the questionnaire at Harvard Law School and the University of Michigan Law School.[18] Gallup was able, through extensive follow-ups, to reach 79 percent of the students at these two highly selective law schools,[19] a rate that was subsequently raised to 81 percent by follow-up calls from our research team. A total of 1,820 students were surveyed at these two schools. As a result, we have the best available survey data exploring the central propositions set out by the Supreme Court in the *Bakke* decision.

Both of these universities draw large numbers of applicants and place their graduates in excellent positions, but they are different in several respects. Harvard is private, eastern, and faces no legal challenge to its admissions policies; Michigan is public, midwestern, and is facing a lawsuit challenging its admissions practices. In light of these and other differences, one might expect quite different patterns of response, but we found striking similarities in many dimensions. The fact that many of the

results parallel those found in the small samples in the seven-campus Internet study also suggests that these findings reflect broadly held opinions.

TABLE 1 *Racial and Ethnic Composition of Gallup Survey Population (in %)*

Black	6.7
Asian	10.3
Foreign	7.6
Hispanic	4.3
White	66.9
Mixed	2.8
Indian	0.6
Refused Question	0.8
Unknown	0.1

TABLE 2 *Frequency of Contact with People of Different Race or Ethnicity while Growing Up (in %)*

	None				*Often*
	1	2	3	4	5
Harvard Students	10.8	28.7	20.7	15.7	23.7
Michigan Students	12.3	32.4	20.4	15.6	19.3

Among students at these two elite law schools, about one-fourth of Harvard students and one-fifth of Michigan students had frequent contact with students of other racial and ethnic backgrounds when growing up, and two in five had little or no contact. The statistics for high school experience were very similar.

TABLE 3 *Contact with People of Different Race or Ethnicity in Your High School (in %)*

	None				*Often*
	1	2	3	4	5
Harvard Students	10.8	26.5	19.7	18.9	23.8
Michigan Students	10.4	31.3	22.5	17.7	18.1

Among the U.S. law students in the survey, whites were the least likely to report frequent interracial contact while growing up or in high school, while blacks were most likely to have had such experiences. Thirteen percent of whites reported no interracial contact while growing up and another 37 percent reported very little. The corresponding numbers for African Americans were 4 percent and 2 percent. For Hispanics they were 0 percent and 2 percent. Sixty-three percent of African American students reported they had often had such contact, compared to only 12 percent of whites. The statistics for high school were very similar. In other words, almost no blacks and Latinos who succeeded in enrolling in these elite law schools came from a highly segregated childhood and education, but almost half of the whites did. A national study of school segregation patterns in 1996–1997 showed that whites were by far the most segregated ethnic group in U.S. schools and that they were remaining highly isolated even as the nation's school enrollment reached 36 percent nonwhite.[20] To the extent that interracial experience and understanding is an important educational goal, clearly whites were the group most in need of this experience in law school. Later questions will show that such experiences did, indeed, have a powerful impact.

TABLE 4 *Contact in College with People of Different Race or Ethnicity (in %)*

	None				*Often*
	1	2	3	4	5
Harvard Students	4.8	14.8	27.6	25.5	27.0
Michigan Students	3.2	16.3	28.6	26.1	25.8

Students at these two law schools were much less likely to have a segregated experience in college. Although about two-fifths of students experienced very little interracial contact in high school, less than one-fifth reported this pattern in their colleges and well over half reported high racial contact (categories 4 and 5) in their colleges. A substantial majority of students at both schools reported having a roommate of a different race or ethnicity during college. In law school, about half the Harvard students answering the question and more than two-fifths of the Michigan students reported having such roommates. One student who did not see much value in interracial classes commented, however, that "in the dorms, living with folks of different races has been overwhelmingly positive." One-fifth of the African American law students reported having no close friends of other races, while 37 percent reported three or more and

the rest said that they had one or two close friends of another background. Almost no whites reported an absence of friends of other races and ethnicities.

TABLE 5 *Close Friends of Another Racial or Ethnic Background (in %)*

For African American Students

	None	*One*	*Two*	*Three or More*
Harvard	22.6	22.6	18.1	34.5
Michigan	16.8	18.1	20.0	43.7
Combined	20.8	21.2	18.7	37.3

For Asian American Students

	None	*One*	*Two*	*Three or More*
Harvard	11.4	16.8	15.4	54.8
Michigan	13.6	15.2	19.7	50.3
Combined	12.1	16.3	16.7	53.4

For Latino Students

	None	*One*	*Two*	*Three or More*
Harvard	29.3	21.7	17.8	27.8
Michigan	25.8	21.7	20.8	31.5
Combined	28.2	21.7	18.7	29.0

For White Students

	None	*One*	*Two*	*Three or More*
Harvard	1.7	1.7	4.1	91.4
Michigan	0.9	0.92	0.2	94.5
Combined	1.4	1.5	3.5	92.4

In these two law schools, which had made extensive efforts to diversify their classes, almost none of the students reported a total absence of interracial contact—only about one in forty. Another one-seventh of the

students had very little contact. But 55 percent of the Harvard students and 60 percent of the Michigan students reported high levels of interracial contact.

TABLE 6 ***Contact with People of Different Race or Ethnicity in Law School (in %)***

	None 1	2	3	4	*Frequent* 5
Harvard Students	2.5	14.0	28.2	29.3	26.0
Michigan Students	2.1	14.0	24.9	29.9	29.2

One-sixth of students in both schools never studied with students of another race and about one-fifth more rarely did. On the other hand, about one-third said that they studied together often or fairly often. This relationship was less common than other relationships. Yet, there were many instances of it, and three-fourths of students had some experiences studying together.

TABLE 7 ***Studying with People of Different Race or Ethnicity (in %)***

	Never 1	2	3	4	*Often* 5	*Only Study Alone*
Harvard Students	17.0	19.6	20.1	14.2	19.1	9.0
Michigan Students	17.0	22.2	17.9	12.9	22.5	7.3

The most important issues on the survey concerned the intellectual impact of diversity on student learning experiences. Students tended to report that their experiences were substantially improved in diverse classes.

TABLE 8 ***Racial Diversity Impact on "how you and others think about problems and solutions in classes" (in %)***

	Enhances Experience	*Moderately Enhances*	*No Impact*	*Moderately Detracts*	*Detracts from Experience*
Harvard Students	34.7	33.5	25.1	4.2	1.7
Michigan Students	41.3	31.5	21.5	3.9	1.6

One of the issues the Supreme Court recognized as being very important in the 1950 decision on law school segregation was that "the law school, the proving ground for legal learning and practice, cannot be effective in isolation from the individuals and institutions with which the law interacts."[21] Confirming this view, more than two-thirds of students in each school found diversity to lead to an enhancement of their thinking about problems in their classes. More than one-third saw a very clear benefit. Less than 2 percent found a clearly negative impact, and between one-fifth and one-fourth thought that it made no difference.

When students were asked whether or not diversity had affected their "ability to work more effectively and/or get along better with members of other races," at Harvard 39 percent of the total found that diversity clearly enhanced their ability while another 29 percent found a moderate enhancement, 29 percent saw no impact, and just 4 percent found it to be a moderate or clear detriment. Such clear benefits were seen by 48 percent of the students at Michigan.

TABLE 9 ***Racial and Ethnic Diversity's Impact on "your ability to work more effectively or get along better with members of other races" (in %)***

	Enhances Ability	*Moderately Enhances*	*No Impact*	*Moderately Detracts*	*Detracts from Ability*
Harvard Students	38.6	28.6	28.6	2.4	1.4
Michigan Students	47.8	23.8	24.5	2.2	1.4

College admissions officers and educational leaders often think about enriching the discussion that takes place on campus. Some of that happens in classrooms, and other times it happens in the many informal interactions among students—encounters where students test their ideas and learn from each other. In law schools, which often have large classes, the chance for sustained interaction with faculty members is often limited, but there are many opportunities for intense discussion with fellow students, who are a remarkably gifted group in highly selective law schools.

Two-thirds of Harvard students and nearly three-fourths of Michigan students said that these informal exchanges were enhanced by the diversity of their schools. The vast majority of the remainder said that it made no difference. Only one in sixteen saw any negative impact.

TABLE 10 *Racial Diversity's Impact on "the way topics are discussed informally at meals, over coffee, or at other similar occasions" (in %)*

	Clearly Enhances	*Moderately Enhances*	*No Impact*	*Moderately Detracts*	*Clearly Detracts*
Harvard Students	35.4	32.7	25.1	4.9	1.6
Michigan Students	42.9	31.0	19.7	4.5	1.6

Obviously, diversity is more relevant to some parts of the law school curriculum than to others. Students typically take a variety of courses such as Contracts, Property, Civil Procedure, and others that may have little direct relationship to race. Students at neither school are required to take any course in civil rights, though these issues arise in courses such as Constitutional Law. However, when asked whether diversity affected "the way topics have been discussed in a majority of your classes," students reported strong influences across their educational experience. Nearly two-thirds of the students reported that most of their classes were better because of diversity. About one-fourth saw no difference, and one in twelve believed that there was some negative impact.

TABLE 11 *Racial Diversity's Impact on "the way topics have been discussed in the majority of your classes" (in %)*

	Clearly Enhances	*Moderately Enhances*	*No Impact*	*Moderately Detracts*	*Clearly Detracts*
Harvard Students	29.3	33.8	27.3	6.0	2.8
Michigan Students	36.5	29.9	25.0	5.9	2.3

When asked to make an overall assessment of whether diversity was a positive or negative element in their total educational experience, the result was overwhelmingly positive. Eighty-nine percent of Harvard students and 91 percent of Michigan students reported a positive impact, the large majority reporting a strongly positive impact. One student explained: "Being confronted with opinions from different socioeconomic and ethnic realms forces you to develop logical bases for the opinions you have and to discard those not based on such logic. You simply are forced to think more critically about your opinions when you know that people with differing opinions are going to ask you to explain yourself." Less than 1 percent of the students

at each school reported a negative impact and less than one-tenth felt that there was no impact. In public opinion research it is very rare to find majorities of this size on any controversial issue.

TABLE 12 ***"Do you consider having students of different races and ethnicities to be a positive or negative element of your educational experience?" (in %)***

	Clearly Positive	*Moderately Positive*	*No Impact*	*Moderately Negative*	*Clearly Negative*
Harvard Students	69.3	19.9	9.7	0.6	0.2
Michigan Students	73.5	17.0	8.6	0.2	0.2

In any interracial setting, in a society highly polarized along racial lines and in which there are active debates about civil rights policy occurring in the community and in politics, there are bound to be experiences of conflict. There were very active political and ideological struggles going on in politics, in the courts, and in many communities at the time these students were surveyed. This is one of the important questions in discussions of the simplest form of the theory of integration, "the contact hypothesis," the idea that simply producing interracial contact solves racial problems. Research shows that the outcome of interracial contact is anything but simple. If adults with fully developed racial concepts and stereotypes are brought together in an unfavorable setting, the result can be reinforcement of their stereotypes, unless the situation is handled well. Neighborhood racial transition often produces this kind of experience. Many white Americans, for example, have stereotypes about black and Latino communities and culture in which elements of class are mixed with elements of different socialization, habits, preferences, etc. Some forms of interracial contact experiences may reinforce their stereotypes rather than change them. Many minority students have stereotypes and fears about contact in their family background—memories, for example, about forms of discrimination. The key to positive interaction has been defined by a number of researchers. Successful contact appears to depend, for example, on "equal status interaction" settings in which people are treated equally and interact as peers. In the survey, we asked students a series of questions about conflicts and their impact to help assess whether or not the law school experience was working positively.

When asked their opinion about whether or not conflicts among students reinforced racial stereotypes, some students said that they did, but

only about one in twenty strongly agreed with this idea. Another one-eighth of the students agreed moderately, but a clear majority of students disagreed.

TABLE 13 *Conflicts Because of Racial Differences Simply Reinforce Stereotypical Values (in %)*

	Strongly Agree	*Moderately Agree*	*No Impact*	*Moderately Disagree*	*Strongly Disagree*
Harvard Students	4.1	12.9	27.8	28.6	25.1
Michigan Students	5.2	12.2	28.1	28.6	25.2

Avoiding conflict, of course, is not a basic goal of higher education. In fact, confronting different opinions and taking ideas very seriously are hallmarks of a good education. This is all the more true for legal education, where students need to understand all sides of conflicts and how to argue difficult issues in contentious, high-stakes settings. When we asked students whether or not conflicts arising from racial differences led them to reexamine their own ideas, many replied affirmatively. One student added a comment noting the impact on his beliefs and values: "I guess I would say that due to my discussions with minorities I've completely changed my viewpoint on affirmative action. And I work closely with a professor who happens to be black and I think that's changed my perception as well."

TABLE 14 *"Do conflicts because of racial differences challenge you to rethink your own values?" (in %)*

	Enhances Rethinking	*Moderately Enhances*	*No Impact*	*Moderately Detracts*	*Detracts from Rethinking*
Harvard Students	32.6	35.7	17.3	8.5	5.2
Michigan Students	42.4	32.4	14.9	4.8	5.2

Some of the students take the issue further to say that such conflicts eventually lead to "positive learning experiences." Less than one-fifth of the students believe the result is negative, but more than one-fourth see no impact one way or another.

TABLE 15 ***Conflicts Because of Racial Differences Ultimately Become Positive Learning Experiences (in %)***

	Enhances Learning	*Moderately Enhances*	*No Impact*	*Moderately Detracts*	*Detracts from Learning*
Harvard Students	20.3	31.6	29.3	12.5	5.3
Michigan Students	24.3	36.0	26.5	9.1	3.6

Law school students encounter many legal and social issues that tend to be perceived differently among different racial groups in the nation. It is on these issues that the possible impact of racial diversity might be expected to be most apparent. Among various groups of Americans, for example, there are deep differences in the way the criminal justice system is viewed. The strikingly different perceptions of the O. J. Simpson trial were a clear example. The Justice Department's Bureau of Justice Statistics estimates, for example, that blacks males and females are more than six times as likely to be imprisoned as their white counterparts.[22] In diverse settings, students are likely to encounter views very different from their own. A reasonable question to ask would be whether or not they had encountered and thought about different understandings, but we asked a more demanding question: Had the discussions actually changed their view of the issue? Many students reported that the exchanges had altered their viewpoint. A large majority of the students said their views had been affected. Only 9 percent saw no impact and more than one-third reported a "great deal" of change. Obviously, this was a powerful experience for the people who would become the prosecutors, public defenders, lawmakers, and judges of the future.

TABLE 16 ***"Have discussions with students of different racial and ethnic backgrounds changed your view of the equity of the criminal justice system?" (in %)***

	A Great Deal	*Substantially*	*Significantly*	*A Little*	*Not at All*
Harvard Students	32.3	28.4	17.6	12.5	8.6
Michigan Students	38.6	26.7	18.8	6.8	8.8

Criminal justice was one area where the advantages of diversity seemed clear in some of the comments students added to the survey. "You

cannot discuss the criminal justice system without having blacks in class," one student concluded. "I cannot see how the law can be properly learned without diverse perspectives and opinions," said another. "This is especially true in constitutional and criminal law. Few white classmates would have paused to think carefully or challenge their thoughts on the law without the contributions of opinions from their minority classmates." Every racial and ethnic group of students reported large changes in their views from interracial discussions of criminal justice issues. Thirty-one percent of whites, 45 percent of Asian Americans, 27 percent of African Americans, and 45 percent of Latinos reported a great deal of change resulting from these exchanges. Among whites, only 8 percent reported that their views had not changed at all.

Much of law and politics in the United States is about the conflict of rights—one person's right to safety v. another person's right to have a gun, one person's right to buy a home v. a suburban community's right to exclude rental and affordable housing, one person's right to a neighborhood school v. others' right to a desegregated school, the right to freedom of the press v. the duty not to libel citizens, the right to build a factory on your land v. the rights of neighbors to be free of pollution. Although rights are often discussed in absolute terms, they are almost always bounded by other rights and duties. We asked students how diversity was related to their understanding of such conflicts. More than three-fourths of the students reported more than a slight impact on their views of such conflicts, with most reporting a fairly strong impact.

TABLE 17 ***"Have discussions with students of different racial and ethnic backgrounds changed your view of the issues that need to be considered in resolving serious conflicts over rights?" (in %)***

	A Great Deal	*Substantially*	*Significantly*	*A Little*	*Not at All*
Harvard Students	24.2	32.3	22.7	12.3	8.5
Michigan Students	31.0	32.6	21.8	7.3	7.0

Understanding the nature of law requires understanding the social and economic conditions in which law is applied. Many laws and court decisions rest on assumptions about such conditions, and in many instances it is necessary to understand such conditions (and the differing views about them) in order to evaluate court decisions, statutes, and legal doctrines. Some law school students come to law school with substantial undergraduate training or practical experience on such issues. Others do

not. Often these issues are not addressed substantively in law teaching, which tends to be much more about the principles and precedents or deductive models concerning points of law than about the underlying social realities. Educational experiences in discussions that enable students to understand these issues better may be of great value in understanding legal issues and representing clients.

TABLE 18 ***"Have discussions with students of different racial and ethnic backgrounds changed your view of conditions in various social and economic institutions?" (in %)***

	A Great Deal	*Substantially*	*Significantly*	*A Little*	*Not at All*
Harvard Students	25.1	30.8	22.5	13.7	7.6
Michigan Students	32.0	33.8	19.1	8.9	5.9

One of the vital parts of professional training is to make future lawyers familiar with a broad range of issues that they will be faced with throughout their lives as professionals. Almost nine-tenths of students thought that there would be at least some impact on understanding issues they might confront from their experiences with students of other backgrounds. Forty-four percent of Harvard students and 54 percent of Michigan students expected a "substantial" or a "great deal" of impact. As the Supreme Court noted in its 1950 *Sweatt* decision: "Few students, and no one who has practiced law, would choose to study in an academic vacuum, removed from the interplay of ideas and the exchange of views with which the law is concerned."

TABLE 19 ***"Have discussions with students of different racial and ethnic backgrounds changed your view of the kind of legal or community issues that you will encounter as a professional?" (in %)***

	A Great Deal	*Substantially*	*Significantly*	*A Little*	*Not at All*
Harvard Students	16.1	27.8	27.8	15.2	12.5
Michigan Students	22.9	30.8	24.5	10.7	10.6

The United States is entering a period in which civil rights issues will take on extraordinary importance. There are rapidly changing demographics and deep inequalities and regional differences among racial and

ethnic groups. There are, for example, already five states, including the nation's two largest states, in which whites have become a rapidly shrinking statewide minority in the school population. By the time the careers of today's law students end, the Census Bureau projects that the country will have a bare majority of whites in the population and that whites will be only about 40 percent of the school-age population. Blacks, who are already the third largest minority in California and the second largest in three New England states, will, like whites, have to adapt to huge racial changes. In a country whose population growth is being driven by immigration, mostly of non-Europeans who do not speak English, many issues of immigration and language must be resolved.[23] None of these issues is simple, and students tend to have very different understandings of such issues, depending on their own race or ethnicity.

Issues about rights and race have a great deal of saliency in American life and it would not be surprising if law school diversity had only a small impact on the values of a group of highly educated, highly intelligent students who have discussed such issues in their earlier education. Seven out of eight students, however, report that contact with students of diverse backgrounds has led to a change in their values, more than half reporting the highest levels of change. "I think that the level of cultural and ethnic diversity here at Michigan is amazing and wonderful," said one student. "I think that after attending predominantly white schools, being in such a diverse group has strengthened and broadened my personal belief and feelings." Fifty-nine percent of whites, 64 percent of Latinos, 64 percent of Asian Americans, and 46 percent of African Americans report the two highest levels of change in their values concerning civil rights. Clearly, very powerful exchanges are occurring among students in the law school communities on these issues.

TABLE 20 ***"Have discussions with students of different racial and ethnic backgrounds changed your values regarding civil rights?" (in %)***

	A Great Deal	*Substantially*	*Significantly*	*A Little*	*Not at All*
Harvard Students	22.4	28.0	24.9	11.9	12.5
Michigan Students	27.7	27.4	23.4	9.1	12.2

To make the comparisons more explicit, students were asked to compare their classes that were homogeneous with their classes that were diverse in terms of the range of discussion, the level of intellectual challenge, and the seriousness with which alternative views were considered.

Among those who had had both types of classes the number who said that the diverse classes were superior in these respects outnumbered those who found the single-race classes superior by more than ten to one. The majorities reporting better outcomes in diverse classes were even more lopsided on the questions on the range of perspectives and the seriousness with which the alternatives were considered.

Many students commented on these issues. One said, "A more diverse setting enhances education but keys you into viewpoints you may not have considered before." The students remembered "a particular experience; I took a class with 50 students in it—40 were male, none were minorities. Thinking back, the class would've benefited from more diversity." Another noted, "I think that a diverse student body greatly contributes to the learning process, more issues are covered [and] it greatly enhances classroom discussion." A third observed, "Cultural and ethnic diversity is more important in law school than in many other studies." A fourth noted, "Cultural and ethnic diversity is a necessity to have a true understanding of how these issues affect everyone." "I can't imagine," said another, "how serious discussion of the law which affects all Americans can take place without the points of view of all different races."

TABLE 21 *Impacts of One-Race v. Interracial Classes (in %)*

	Homogeneous	*Diverse*	*No Difference*	*Cannot Answer**
Level of intellectual conflict or challenge greater	3.4	34.4	36.8	25.6
More serious discussions of alternative perspectives	3.2	47.3	24.0	25.6
Discussed greater variety of subjects and examples	2.2	44.3	28.2	25.3

*Basic reason for nonresponse was that the student questioned had had only homogeneous or only diverse classes.

The small minority of students who saw negative results suggested a different impact. One student observed, "In classes with one race, more people are willing to express their views without offending anyone." Another noted, "Invariably, certain minority members will have a chip on their shoulder and destroy the conversation into one of racism and name-calling as opposed to intellectual thought." Another criticized "the politi-

cally correct attitude that affects the free expression of the true views of the majority class." These comments might lead one to believe that whites would agree on anti-affirmative action policies if minorities were not present to embarrass them, but this survey shows that white students, by a large majority, support affirmative action in an anonymous questionnaire. Some student critics of affirmative action actually have an incorrect racial stereotype about the real attitudes of their white classmates.

Students were asked, finally, what their opinion on their law school's minority admissions policy should be. The responses showed that the students had widely varying views of the policy priorities. Forty-five percent felt that the existing policies for diversity were insufficient and more should be done. Thirty-six percent believed that the present policies were correct, and 16 percent favored doing less or nothing at all. Only 19 percent of whites and 8 percent of Asian Americans wanted to deemphasize or end affirmative admissions policies.

Obviously legal issues of rights are not decided by opinion polls, but it is interesting that such a large majority of the group of students whose rights are supposedly violated by affirmative action favors doing as much or more than the universities are currently doing. This may well reflect the value of the intellectual benefits white and Asian students believe they gain from diversity. Another interesting finding is that even some of the opponents of affirmative action report intellectual benefits from the policy, since the proportion reporting benefits on some of the questions is significantly higher than the percent favoring the policy.

TABLE 22 ***"What should be done about the admissions policy at your law school seeking a student body which includes more underrepresented minorities?" (in %)***

	Strengthen Policy	*Maintain Policy*	*Deemphasize or Discontinue*
Harvard Students	47.2	33.4	15.4
Michigan Students	40.1	40.3	16.5

One student commented, "I wouldn't go to a school that didn't have an affirmative action program." Another observed, "A diverse law school classroom is essential to building a democracy of lawmakers, leaders, and [public] servants who will appreciate the broad wealth of personal and group experience throughout the United States." Another student noted, "The lawyers that we make today are going to make the laws we live under

tomorrow. If we expect those laws to reflect the vast diversity that is America, our law schools must possess that diversity within their walls today." Another observed, "We learn from other students, [and] to not have affirmative action would seriously detract from the school. Attempts to dismantle such programs are ultimately misguided, short-sighted, and self-destructive."

It is interesting to note that the largest number of students favored not only maintaining but strengthening the affirmative admissions policies. A number explained their views. Some commented on their surprise at how little diversity there was in their school. A substantial number said that the existing programs were not enough and that more should be done, both in admissions and in changing the instructional process. "Most classes are predominantly white," one student noted. "Larger percentages of minority groups will encourage broader participation," another observed. A student who had been at a college with half nonwhite students noted that "discussions about race and diversity were far better and much more informative than in law school, where the population is much less diverse."

Many students pointed to the lack of diversity on their faculties and the ways in which that weakened the potential benefits of diversity: "The faculty is not very diverse, and they need to include more issues in class discussions." Another noted that he "found very little cultural diversity in [the] faculty." Another student complained, "I think it is absolutely unacceptable that Harvard has not made greater efforts to employ [minority] professors." Another noted, "It's not enough just to have a diverse student body, but also faculty and administrative diversity, because it is a matter of having an open feeling about the school which only [having] a diverse student body cannot create." "Student diversity isn't great," said another student, "but it's even worse in the faculty."

Toward Stronger Benefits: Working on Integration

Though students reported major benefits, a number wrote comments indicating that they believed that the experience could be improved, particularly by a more significant effort to deal with social segregation issues. Students thought that there should be more effort by the schools to foster stronger interactions. Another common desire was for more effort to bring students together within the law school. A number of students, particularly at Harvard Law School, pointed to self-segregation as a barrier to stronger interaction. In spite of the reports of a great many interracial

friendships and interactions of many sorts, some felt that there were still social barriers and believed that the law school should provide more leadership on that issue. In spite of some "enormously gratifying experiences," one student said that "Harvard Law School has also been the place where I have seen the most racial segregation in comparison to any place that I have been. I find that very odd." A student who thought "diversity is incredibly important" noted that, "as an undergraduate at Stanford . . . relations across racial boundaries were not perfect, but were far better than at Harvard Law School. I think the reason for this was simply that there were more minority students at Stanford." Part of the problem, another student observed, "has to do with the segregation between the racial groups, more so than the numbers." "As a foreign national," another student said, "I'm very disappointed that people are very separated in terms of race." Still another student was "surprised that social culture at Harvard Law School is very segregated." One student said that their law school should take more initiative to bring students together: "We need to do more about it, . . . we're going to live with one another." Still another student observed: "It doesn't help to have diversity when ethnic groups segregate themselves. Priority should be to promote interaction." A Harvard student noted, "I think they need to make a better effort to build student community—in particular, to build interaction between different races."

These students are asking that the law schools move from what most see as a beneficial but sometimes difficult desegregation to a more fully realized integration. This kind of transformation has been a basic issue in the discussion of desegregation in public schools for decades. Both the concern about faculty desegregation and about efforts to produce more positive interactions among students have been goals in school desegregation for more than thirty years. Almost all of the school desegregation plans have faculty desegregation goals and standards, and many schools adopted procedures to assure collaboration across racial lines in classroom assignments and other techniques to build greater success. Law students raising these issues were considering basic elements for a deeper kind of transformation of their schools to genuinely multiracial institutions where equal status interaction was more likely to occur.

Among critics of affirmative action who expressed their personal opinion, most simply favored admissions on traditional academic criteria and some expressed the opinion that racial inequality should be solved somewhere else, usually in schools or undergraduate colleges. One student commented, "It's good to be diverse but you don't want to have un-

qualified students. I think that it needs to start earlier, at grade school." A few expressed the view that affirmative action harmed minorities. One student, for example, said, "It is damaging to everyone to put people in schools that they would not have been admitted to otherwise."

Some students were conflicted over the policy issues. "It is a really hard question and it is really hard to answer," said one student. "Affirmative action . . . [is] not really a great solution to the problem, but I don't think there is a better one out there to use." Some students mentioned that they would favor more emphasis on poverty in admissions, either as an alternative or as a supplement to the existing policies. "I think that affirmative action should be used on a class-based scale rather than a racially based scale because middle- to upper-class minorities should not receive preferential treatment." Another added, "Race is an inappropriate and unfortunate proxy for socioeconomic class."

Value Change

One of the strongest possible impacts of experiences of diversity would be an actual change in beliefs and values growing out of the interaction. There is clear evidence in other areas of civil rights that new experiences may be related to changed attitudes. For example, there was a massive increase in southern acceptance of sending black and white students to the same schools after desegregation occurred. In 1942, only 2 percent of southern whites favored interracial schools. By 1982 the rate was 82 percent.[24] Although it may be too soon to see such impact in the overall law profession, many of the law students we surveyed reported a large or substantial change in their values growing out of their experiences with diversity at law school. A clear majority, for example, reported a change in their values concerning civil rights.

Foreign Students

It is interesting to note that on a number of questions about the value of diversity, the most negative group was not American whites or Asians but foreign students who have a significant presence at both schools. They accounted for a disproportionate percentage of the opponents on many questions. Since many of these students were products of far less diverse societies and had little need to understand the complexities of U.S. social structures, it is not difficult to understand these attitudes. Even foreign students, however, tended to see advantages of diversity by a substantial

margin. On the question of how diversity affected the way that students "think about problems and solutions in class," for example, 4 percent of foreign students believed that it clearly detracted, compared to less than 1 percent of blacks, Asian Americans, or Latinos, and less than 2 percent of whites. The percentage of foreign students who saw some advantage, however, outweighed those who saw some disadvantage by more than 5 to 1. For American whites the ratio was more than 10 to 1.

One foreign student noted, "Coming from a country that has practically no minorities, the whole issue [was] strange in the beginning; after studying here, I recognize the importance of the problem." Another noted that "most of these discussions refer only to Americans and they should be broadened and take into account the races and ethnicities of other countries." Another commented that he or she was "surprised" at "so much emphasis here in the U.S. on ethnic diversity; I think to a certain degree it promises conflict among the races." Another international student had very different views: "I studied in Australia first, and American law studies are much richer because of diversity." Obviously, foreign students returning to their own countries felt much less of an urgent need to understand diversity than did American students.

Conclusion

Law students reflect much of the diversity of the nation and report a wide range of experience and views on issues of race and civil rights. It is clear from this survey, however, that large majorities have experienced powerful educational experiences from interaction with students of other races. Although the plurality of students believe that not enough has been done to realize this potential fully, there are many contacts and friendships that have formed across racial and ethnic lines. White students appear to have a particularly enriching experience, since they are by far the most likely to have grown up with little interracial contact. The values affirmed by Justice Powell and by the Harvard admissions officials cited in the *Bakke* decision appear to be operating in the lives of law students today. It is regrettable that the scholarly world has been so slow in studying these changes. Nevertheless, this data clearly affirms the judgments of the courts and the leaders of legal education thirty-five years ago when they embarked on policies that led to the diversity that most of today's students find so beneficial to their legal education and to understanding critical dimensions of their profession.

Notes

1. There are two other basic arguments for affirmative action. The first, remedying the history of discrimination by universities, has tended to be discounted by the courts in recent years. The courts have assumed that the enactment of civil rights laws and the passage of time have largely eliminated the continuing impact of this history, a conclusion that is strongly disputed by civil rights leaders. The other is the social benefits of affirmative action for the society and the professions. This argument has been central to some of the most important recent research, but was not recognized as a basic justification in *Bakke*.
2. National Center for Education Statistics, *The Condition of Education 1999* (Washington, DC: Government Printing Office, 1999), pp. 116, 126.
3. William G. Bowen and Derek Bok, *The Shape of the River: Long-Term Consequences of Considering Race in College and University Admissions* (Princeton, NJ: Princeton University Press, 1998), p. 10.
4. In the nineteen states that historically had separate black public universities, real integration often did not begin until the 1970s.
5. James E. Blackwell, *Mainstreaming Outsiders: The Production of Black Professionals*, cited in Bowen and Bok, *The Shape of the River*, p. 7.
6. *U.S. v. Fordice*, 112 S. Ct. 2736 (1992).
7. *Tracy v. Board of Regents of the UGA*, 59 F.Supp.2d 1314, 1322 (S.D.Ga 1999).
8. In *Sweatt v. Painter*, 339 U.S., at 633–4.
9. Final Report of W. J. Bender, Chairman of the Admission and Scholarship Committee and Dean of Admissions and Financial Aid, pp. 20 et seq. (Cambridge, MA, 1960).
10. Dean of Admissions Fred L. Glimp, Final Report to the Faculty of Arts and Sciences, 65 *Official Register of Harvard University*, No. 25 (1968), 93, 104–105 .
11. *Hopwood v. State of Texas*, 76 F3d 932 at 945 (5th Cir. 1996).
12. Walter R. Allen, Edgar G. Epps, and Nesha Z. Haniff, eds., *College in Black and White: African American Students in Predominantly White and in Historically Black Public Universities* (Albany: State University of New York Press, 1991); Michael T. Nettles, ed., *Toward Black Undergraduate Student Equality in American Higher Education* (Westport, CT: Greenwood Press, 1988); Patricia Gándara, *Over the Ivy Wall: The Educational Mobility of Low-Income Chicanos* (Albany: State University of New York Press, 1995); Richard C. Richardson, Jr., and Elizabeth Fisk Skinner, *Achieving Quality and Diversity: Universities in a Multicultural Society* (New York: Macmillan, 1991).
13. See, for example, Daryl G. Smith and associates, *Diversity Works: The Emerging Picture of How Students Benefit* (Washington, DC: Association of American Colleges and Universities, 1997).
14. Bowen and Bok, *The Shape of the River*.
15. Miriam Komaromy and associates, "The Role of Black and Hispanic Physicians in Providing Health Care for Underserved Populations," *New England Journal of Medicine, 334*, No. 20 (1996), 1305–1310.
16. Ford Foundation press release, "Americans See Many Benefits to Diversity in Higher Education, Finds First-Ever Poll on Topic," October 6, 1998.
17. Stanford participated briefly, but withdrew.
18. This study was made possible through grants by the Andrew W. Mellon Foundation and an anonymous donor to Harvard University. Derek Bok of Harvard University and Keith Reeves of Swarthmore College participated in discussions on the

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19. Harvard Law School and the University of Michigan Law School are two of the most competitive law schools in the country. Though there are criticisms of the *U.S. News and World Report* rankings, they place Harvard Law School number one in the nation and Michigan Law School number eight. Harvard Law School is ranked number one by reputation among academics, judges, and lawyers, and Michigan Law School is ranked number six, with the reputation scores 4.9 and 4.7, respectively (5.0 the highest). The 1998 undergraduate GPA scores for Michigan Law School are 3.4–3.7, and for Harvard Law School they are 3.7–3.9. Average LSAT scores at both schools are very high.
20. Gary Orfield and John Yun, *Resegregation in American Schools* (Cambridge, MA: The Civil Rights Project, Harvard University, 1999), p. 15, table 11.
21. *Sweatt v. Painter*, 339 U.S. 634.
22. Bureau of Justice Statistics, *Lifetime Likelihood of Going to State or Federal Prison* (Washington, DC: U.S. Department of Justice, 1997).
23. U.S. Bureau of the Census, "Population Projections of the United States by Age, Sex, Race, and Hispanic Origin: 1995–2050," February 1996, pp. 25–1130; Steven A. Holmes, "Census Sees a Profound Ethnic Shift in U.S.," *New York Times*, March 14, 1996.
24. Howard Schuman, Carlotte Steeh, and Lawrence Bobo, *Racial Attitudes in America: Trends and Interpretations* (Cambridge, MA: Harvard University Press, 1985), p. 78.

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